

REMARKS

This Preliminary Amendment is being filed in conjunction with an RCE filing on same date and is relative to the Final Office Action of March 4, 2009.

A summary of the claim changes presented in this amendment is as follows:

A) Independent claim 3 has been amended to include the subject matter of objected to/allowable claim 33 (33/3);

B) Independent claim 13 has been amended to represent objected to/allowable dependent claim 32 (32/31/13) in independent format;

C) Independent claim 10 has been amended to include features that include the subject matter of claim 11.

D) In view of the amendments A to C, claims 11 and 31 to 33 have been canceled.

As the currently presented independent claims 3 and 13 represent claims that have been indicated to represent allowable claims, they are respectfully submitted to be in immediate condition for allowance.

In the Office Action dependent claim 11 (the subject matter of which is now contained in amended independent claim 10) was rejected under 35 USC 103 based on the combination of Kudoh (5243663) in view of Harada et al. (6636257) and Applicants own background discussion in present application and further in view of Hibbard (6013911). Claim 10 has been amended to include the features of the now canceled claim 11 as well as language finding support on page 14, lines 13-26. Amended claim 10 thus includes the features of "the calculator...normalizes the luminance moment" and the "determination section determines the fail...based on normalized luminance moment". In the Office Action rejection of the former claim 11, reliance was placed on Hibbard; and there was set forth that Hibbard disclosed "calculating a luminance moment indicating the horizontal luminance distribution based on luminance center for correcting centering of the image on the screen". Even assuming arguendo that this assertion in the Office Action is accurate, the Hibbard reference (as well as the other cited documents) fails to disclose or suggest in any fashion features of current claim 10 as in an arrangement featuring a calculator

that normalizes the luminance moment and a determination section that determines the fail based on a normalized luminance moment.

Accordingly, Applicants respectfully submit that independent claims 3, 10 and 13 and their dependent claims are patentably distinguished over the cited documents.

In view of the above remarks, Applicants submit that all rejections raised in the Final Office Action of March 4, 2009 are overcome such that the application is in condition for allowance.

Applicant looks forward to confirmation of the same at the Examiner's earliest convenience.

Also, if any fees are due in connection with the filing of the amendment, such as fees under 37 C.F.R. §§1.16 of 1.17, please charge the fees to Deposit Account 02-4300; Order No. 032405R084.

Respectfully submitted,
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